

B. REMARKS

Claims 1-42 are canceled and new claims 43-60 are introduced. Claims 43-60 are pending. The amendments do not add any new matter. The amendments to the claims are made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the final Office Action mailed August 22, 2006 are fully addressed herein.

CLAIMS 1, 4-6, 8-13, 16-18, 20-24, 28, 31-33, 35-38 AND 42—CHISLENKO

In the Final Office Action, Claims 1, 4-6, 8-13, 16-18, 20-24, 28, 31-33, 35-38 and 42 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Chislenko*, U.S. Patent No. 6,041,311. The present claims are patentable over *Chislenko* for at least the reasons provided hereinafter.

CLAIM 43

Claim 43 is directed to a computer-implemented method for estimating how a user would rate a movie that the user has not yet rated that recites:

“in a computer system identifying a set of common movies that have been rated favorably by the user and that have ratings that satisfy a minimum rating threshold; in the computer system identifying one or more other users that have rated the set of common movies and given ratings for the set of common movies that are substantially similar to ratings given by the user for the set of common movies; and in the computer system estimating how the user would rate the movie that the user has not yet rated by determining a similarity between the set of common movies and the movie that the user has not yet rated, wherein determining the similarity between the set of common movies and the movie that the user has not yet rated includes comparing the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie that the user has not yet rated.”

Claim 43 is patentable over *Chislenko* at least on the basis that the features recited in the fourth step of Claim 43, i.e., “wherein determining the similarity between the set of common movies and the movie that the user has not yet rated includes comparing the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie that the user has not yet rated” are not taught or suggested by *Chislenko*.

In *Chislenko*, ratings given for items by a user are first correlated to ratings given for the items by other users to select a set of neighboring users. See, e.g., Col. 2, lines 20-26. Once the set of neighboring users has been selected, ratings made by the neighboring users for just the item to be recommended are then used to predict how the user would rate the item. For *Chislenko* to teach or suggest the Claim 43 feature “wherein determining the similarity between the set of common movies and the movie that the user has not yet rated includes comparing the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie that the user has not yet rated,” *Chislenko* would have to teach or suggest making a prediction for how a user would rate a particular item by comparing the ratings made by the neighboring users for the particular item to the ratings made by the neighboring users for the items used to select the neighboring users. There is no such teaching or suggestion in *Chislenko*.

The final Office Action refers to Col. 9, lines 49-61 and at Col. 18, lines 11-19 to contend that the prediction of how a user would rate an item includes comparing the ratings made by the neighboring users for the particular item to the ratings made by the neighboring users for the items used to select the neighboring users. This is incorrect. *Chislenko* col. 9, lines 49-61 describes that recommendations may also be generated using additional information associated with the user ratings or the confidence factors associated with the similarity factors calculated between a user and the user’s neighbors. *Chislenko* does not state whether the additional information is information other than the ratings themselves. See Col. 2, lines 11-19.

One described use of additional information is in the context where the additional information includes a date and time of a rating. In this example, older ratings are discounted or given a lower weighting. Col. 9, lines 57-61 describes that the additional information may also be expressed as a confidence factor and items are recommended only if the user’s neighboring user both recommended them highly and there is a high-confidence factor associated with that user’s rating of the item. This is a modified approach that considers the additional information about the ratings by the neighboring users for the item to be recommended. There is no teaching or suggestion in *Chislenko* that this includes comparing the ratings given by the neighboring users for the item to be recommended to the ratings given by the neighboring users for the items used to select the neighboring users.

Chislenko at Col. 9, line 28 states that “items are recommended if the user’s neighboring users have also rated the item highly.” However, there is no comparison of (a) the neighboring users’ ratings of mutually rated items to (b) the neighboring users’ rating(s) of the unrated items, as in the above-quoted feature of Claim 43. Instead, in *Chislenko*, once other users are in the neighboring user set, the ratings they gave to mutually rated items are simply ignored and not used in the estimating process.

Col. 18, lines 11-19 describes the approach of using feature values and similarity metrics to determine the similarity of items. “[t]his allows the recommendation of unrated items to a user based on the unrated items similarity to other items which the user has already rated highly.” Col. 18, lines 16-19. This text describes how items may be compared generally and does not teach or suggest comparing the ratings given by the neighboring users for the item to be recommended to the ratings given by the neighboring users for the items used to select the neighboring users.

In view of the foregoing, at least the Claim 43 features of “wherein determining the similarity between the set of common movies and the movie that the user has not yet rated includes comparing the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie that the user has not yet rated” are not taught or suggested by *Chislenko*, and Claim 43 is therefore patentable over *Chislenko*.

CLAIMS 44-48

Claims 44-48 all depend from Claim 43 and include all of the features of Claim 43. Therefore, Claims 44-48 are patentable over *Chislenko* for at least the reasons set forth herein with respect to Claim 43. Furthermore, Claims 44-48 recite additional features that independently render them patentable over *Chislenko*.

CLAIMS 49-54

Claims 49-54 recite features similar to Claims 43-48, except in the context of computer-readable media. Claims 49-54 are patentable over *Chislenko* for at least the reasons set forth herein with respect to Claims 43-48.

CLAIMS 55-60

Claims 55-60 recite features similar to Claims 43-48, except in the context of apparatus. Claims 55-60 are patentable over *Chislenko* for at least the reasons set forth herein with respect to Claims 43-48.

CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

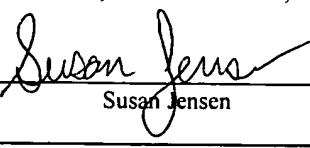
Reg. No. 37,777

Date: January 22, 2007

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1204
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

On January 22, 2007 by 

Susan Jensen